

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CONSUMER FINANCIAL  
PROTECTION BUREAU,

Plaintiff,

v.

NAVIENT CORPORATION, et al.,

Defendants.

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: 3:17-CV-101  
: (JUDGE MARIANI)  
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ORDER

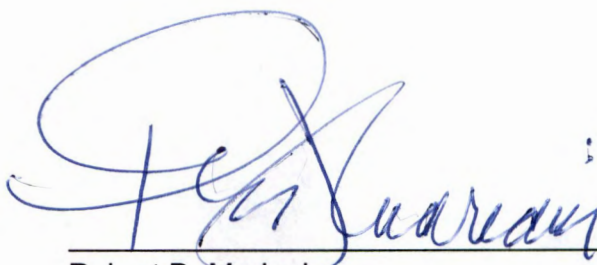
**AND NOW, THIS 26TH DAY OF FEBRUARY, 2021**, upon consideration of Defendants' Motion for Certification and Stay (Doc. 559), **IT IS HEREBY ORDERED THAT** the Defendants' Motion is **GRANTED AS FOLLOWS**:

1. The Court's January 13, 2021 Order denying Defendants' Motion for Judgment on the Pleadings (Doc. 558) is **CERTIFIED** to the United States Court of Appeals for the Third Circuit for review pursuant to 28 U.S.C. § 1292(b). The following issue is **CERTIFIED** for review as presenting a controlling question of law as to which there are substantial grounds for difference of opinion and as to which an immediate appeal from the January 13, 2021 Order may materially advance the ultimate termination of the litigation:

Whether an act of ratification, performed after the statute of limitations has expired, is subject to equitable tolling, so as to permit the valid ratification of the original action which was filed within the statute of limitations but which was filed at a time when the structure of the federal

agency was unconstitutional and where the legal determination of the presence of the structural defect came after the expiration of the statute of limitations.

2. Pursuant to 28 U.S.C. § 1292(b), within **ten days** of entry of this Order, Defendants must submit an application to the Court of Appeals for the Third Circuit.
3. The above-captioned action is **STAYED** pending a determination by the Court of Appeals for the Third Circuit whether it will permit the interlocutory appeal, and if so, the resolution of the interlocutory appeal by the Court of Appeals.



Robert D. Mariani  
United States District Judge